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J1058 U.S. PTO

Docket # PF-0425-1 DIV

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By:

*Nancy Ramos*

Printed: Nancy Ramos

JC555 U.S. PTO  
09/996223  
11/27/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
P.O. BOX 2327  
Arlington, VA 22202

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.08/970,134, filed on 11/13/97, entitled HUMAN CITRATE SYNTHASE HOMOLOG.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.08/970,134 filed 11/13/97, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/970,134, filed 11/13/97, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/970,134 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 3-10, 12-16, 19, 21, 22, 24, 25, 28, 29, 33, and 46-55, before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims

are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are):  
Jennifer L. Hillman, Preeti Lal, Neil C. Corley, Purvi Shah.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on March 9, 1998 is enclosed.
6. X Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 08/970,134, filed 11/13/97, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
						\$740.00
Total Claims	24	-20	4	x \$18		\$72.00
Indep. Claims	1	-3		x \$84		\$
Multiple Dependent Claim(s), if any					+ \$280	\$

**TOTAL FILING FEE \$812.00**

8. \_\_\_ An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of **\$812.00**

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on 3/16/98, at reel 9108/frame 0955.

12. ☐ A preliminary amendment is enclosed.
13. ☒ Also enclosed Information Disclosure Statement, Form 1449, with 3 references, and, Submission of Formal Drawings with Figures 1A through 1F, and Figures 2A and 2B.
14. ☒ The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168

☐ The associate power of attorney in the prior application is to:

- a. ☐ An associate power of attorney is attached.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

**INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304**

**Phone: (650) 855-0555, Fax: (650) 845-4166**

Date: November 27, 2006 By: David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

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- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under 37 CFR 1.34(a)
- ☐ Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_